

REMARKS

This response is in reply to the Office Action mailed on December 30, 2004. This response is being filed on June 30, 2005, six months from the mailing date of the Action. Applicants enclose a petition for extension of time for three months.

Attached are three Terminal Disclaimers submitted to meet and overcome the double patenting rejection of claims 82, 96, 104, 105, 114 and 115 over claims 1-24 of U.S. Patent No. 6,450,635, claims 1-17 of U.S. Patent No. 6,554,420 and claims 1-13 of U.S. Patent No. 6,294,313. The disclaimers are signed by the attorney of record.

Claims 82, 96, 104, 105, 114 and 115 have been rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over claims 1-14 of U.S. Patent No. 6,650,047, claims 1-17 of U.S. Patent No. 6,573,650 and claims 1-49 of copending Application No. 10/651,062. Applicants respectfully traverse the rejection. The subject matter of U.S. Patent Nos. 6,650,047 and 6,573,650, as well as Application No. 10/651,062, relate to organic EL elements, with a photocatalyst-containing layer located between the first electrode and the second electrode. Thus, it is vital for the photocatalyst-containing layer to have a charge-transfer function. Accordingly, it is the implementation of the photocatalyst-containing layer to provide the charge-transfer function that achieves there intended results.

Contrary to U.S. Patent Nos. 6,650,047 and 6,573,650 and Application No. 10/651,062, the present invention does not disclose the photocatalyst-containing layer as being a layer having a charge-transfer function. The examined claims do not teach or disclose such a concept, and, for this reason alone, the obviousness-type double patenting rejections of claims 82, 96, 104, 105, 114 and 115 over U.S. Patent Nos. 6,650,047 and 6,573,650 and Application No. 10/651,062 should be withdrawn.

Rejections under 35 U.S.C. § 102

On page 4 of the Office Action, the Examiner has also rejected claims 82, 96, 104, 105, 114 and 115 under 35 U.S.C. § 102(b) as being anticipated by GB 1 329 589 (GB '589).

Applicants respectfully traverse this rejection.

GB '589 discloses a photosensitive material that it is hydrophobic when unexposed and hydrophilic when exposed to light. The hydrophobicity/hydrophilicity difference is employed to produce a useful or visible image. The photosensitive material is characterized by providing an image recording medium which comprises a film-forming binder having a radiation-sensitive material sensitive to electrons, ions or photons, a sensitization enhancing material and a hydrophobicity inducing agent substantially uniformly dissolved or dispersed therein. Water images are formed on the surface of the hydrophilic exposed areas that repel hydrophobic materials such as oil-based ink or molten wax. With the subsequent application of a hydrophobic lithographic ink, the ink will be repelled by the hydrophilic water developed image areas and will be retained by the hydrophobic background areas.

Applicants respectfully assert that independent claims 82, 96, 104, 105, 114 and 115 of the application are patentably distinguishable over the GB '589 reference. In order for a reference to anticipate a claim, the reference must teach every element of the claim. In the instant application, claims 82, 96, 104, 105, 114 and 115 each recite "varying wettability" as a result of "photocatalytic action upon pattern-wise exposure" of a substrate, such as an organic group bonded to a silicon atom of the silicone compound capable of being replaced with an oxygen-containing group.

GB '589 does not anticipate claims 82, 96, 104, 105, 114 and 115 because it does not show "varying wettability" as a result of "photocatalytic action upon pattern-wise exposure."

Rather, GB '589 discloses media where "certain of the active sites are exposed and rendered hydrophilic so that the materials dissolved in water are carried by water to be deposited thereon, resulting in closely spaced hydrophobic and hydrophilic areas, so that irregular or discontinuous images result." Column 5, lines 17-25. There is no disclosure to use a photocatalyst that varies the wettability of light exposed areas through the action of organic groups as a part of the binder or the oxidation, decomposition or the like of additives to bring the exposed areas to a high critical surface tension state, creating a large difference in wettability between exposed areas and unexposed areas and enhancing the receptivity and repellency to the composition for a light shielding layer and the composition for a colored layer. Therefore, it is submitted that the GB '589 reference does not anticipate claims 82, 96, 104, 105, 114 and 115 in view of the fact that all of the limitations of the claims are not met.

Therefore, since GB '589 fails to teach or disclose varying wettability as a result of photocatalytic action upon pattern-wise exposure, particularly through the action of organic groups as a part of the binder or the oxidation, decomposition or the like of additives to bring the exposed areas to a high critical surface tension state, Applicants respectfully submit GB '589 does not anticipate or render obvious any of the pending claims. Accordingly, claims 82, 96, 104, 105, 114 and 115 are in condition for allowance and Applicants respectfully request a withdrawal of this rejection.

Conclusion

In view of the aforesaid remarks and filing of the terminal disclaimers, it is submitted that each of the claims 82, 96, 104, 105, 114 and 115 are now in condition for allowance and the Notice of Allowance thereof is respectfully requested to be issued. The Examiner is invited to contact the undersigned attorney to discuss any matters pertaining to the present application.

Date: _____

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Respectfully Submitted,

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